

AMENDED IN SENATE AUGUST 19, 2010

AMENDED IN ASSEMBLY APRIL 14, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1747

Introduced by Assembly Member Galgiani
(Coauthors: Assembly Members Bonnie Lowenthal and Solorio)

February 8, 2010

~~An act to amend Section 185036 of the Public Utilities Code, relating to high-speed rail. An act to add Section 21084.2 to the Public Resources Code, relating to environmental quality.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1747, as amended, Galgiani. ~~High-Speed Rail Authority.~~ *Environmental quality: development projects: mineral deposits.*

(1) The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA requires that all public agencies adopt by ordinance, resolution, rule, or regulation, objectives, criteria, and procedures for the evaluation of projects and the preparation of environmental impact reports and negative declarations pursuant to the act.

This bill would require a lead agency, if a proposed residential, retail, or commercial development project would preclude or substantially and directly impede the present or potential future use of lands for mineral extraction in an area that has received a specified classification

by the State Geologist as containing mineral deposits of statewide or regional significance, to determine whether those impacts may have a significant effect on the environment, including, but not limited to, any significant effect on air quality. By imposing new duties on a lead agency with respect to determining whether certain development projects may have a significant effect on the environment, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed rail system. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, authorizes \$9.95 billion in general obligation bonds for high-speed rail development and other related purposes.~~

~~This bill would authorize the authority to consider, to the extent permitted by federal and state law, the creation of jobs in California when awarding major contracts including purchasing high-speed trains, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21084.2 is added to the Public Resources
- 2 Code, to read:
- 3 21084.2. If a proposed residential, retail, or commercial
- 4 development project would preclude or substantially and directly
- 5 impede the present or potential future use of lands for mineral
- 6 extraction in an area that has been classified by the State Geologist
- 7 pursuant to Section 2761 as containing mineral deposits of
- 8 statewide or regional significance, the lead agency shall determine
- 9 whether those impacts may have a significant effect on the

1 *environment, including, but not limited to, any significant effect*
2 *on air quality.*

3 *SEC. 2. If the Commission on State Mandates determines that*
4 *this act contains costs mandated by the state, reimbursement to*
5 *local agencies and school districts for those costs shall be made*
6 *pursuant to Part 7 (commencing with Section 17500) of Division*
7 *4 of Title 2 of the Government Code.*

8 ~~SECTION 1. Section 185036 of the Public Utilities Code is~~
9 ~~amended to read:~~

10 ~~185036. The authority may do any of the following:~~

11 ~~(a) Enter into contracts with private or public entities for the~~
12 ~~design, construction, and operation of high-speed trains. The~~
13 ~~contracts may be separated into individual tasks or segments or~~
14 ~~may include all tasks and segments, including a design-build or~~
15 ~~design-build-operate contract.~~

16 ~~(b) Acquire rights-of-way through purchase or eminent domain.~~

17 ~~(c) Issue debt, secured by pledges of state funds, federal grants,~~
18 ~~or project revenues. The pledge of state funds shall be limited to~~
19 ~~those funds expressly authorized by statute or voter-approved~~
20 ~~initiatives.~~

21 ~~(d) Enter into cooperative or joint development agreements with~~
22 ~~local governments or private entities.~~

23 ~~(e) Set fares and schedules.~~

24 ~~(f) Relocate highways and utilities.~~

25 ~~(g) Consider, to the extent permitted by federal law and all other~~
26 ~~applicable provisions of state law, the creation of jobs in California~~
27 ~~when awarding major contracts, including, but not limited to,~~
28 ~~purchasing high-speed trains and related equipment and supplies.~~